



Enforcing the Underage Drinking Laws
Seizing Opportunities and Overcoming Challenges



Reducing Alcohol Sales to Underage Purchasers:

Practical Guidance for Compliance Investigations for Enforcement

**Policy: Limitations of Access through
Commercial Availability**



What are Compliance Check Investigations?

- ◆ **Compliance check investigations are a cost-effective way to control youth access to alcohol from retail outlets. They involve the use of underage buyers by law enforcement agencies as "deputies" to test retailers' compliance with laws regarding the sale of alcohol to minors.**

Why Do Compliance Check Investigations?

- ◆ Many underage individuals self-report that they purchase at locations which don't even bother to ask for identification.

Why Do Compliance Check Investigations?

- ◆ **Still more young people report showing clerks their real identification with a true and accurate date of birth that shows them to be under 21 and the clerk still sells them alcohol because the clerk failed to calculate the purchaser's age correctly.**

Why do Compliance Check Investigations?

- ◆ One has to ask
- ◆ Did they assume only a person 21 or older would show an identification?
- ◆ Were they just inattentive to detail?
- ◆ Do they know how to read/check an ID?

Why Do Compliance Check Investigations?

- ◆ Data from MOPIP a coalition of Missouri's State Universities indicates that 33.6% of those under 21 report going to an establishment where IDs are not checked.
- ◆ An additional 27.3% go to an establishment where their friends work and will serve them.

Why Do Compliance Check Investigations?

- ◆ In Concord, New Hampshire sales to youth decreased from 28% to 10% after quarterly compliance checks (coupled with increased penalties and a media campaign) at 539 off-premise alcohol establishments.

Why Do Compliance Check Investigations?

- ◆ **Compliance checks send a message to your community that law enforcement cares about responsible and lawful sales of alcohol.**

Why Do Compliance Check Investigations?

- ◆ **Compliance check investigations can help reduce alcohol related problems and crime using a problem oriented policing approach.**

Benefits of Compliance Check Programs

- ◆ **Compliance Checks allow an agency to assess the level of underage availability in the community.**
- ◆ **Retail compliance enforcement works as part of a larger comprehensive strategy in preventing alcohol related tragedies**

Benefits of Compliance Check Investigation Programs

- ◆ **Publicizing the results of compliance check investigations raises community awareness and helps to change or reinforce community norms about underage drinking.**
- ◆ **Continued investigations can be used to monitor progress.**

Key Steps in Preparing for Compliance Investigations

- ◆ **Work with community leaders**

How can community leaders be involved?

- ◆ **Raise Public Awareness/set community norm**
- ◆ **Review existing Laws and Policies in order to Advocate Change**
- ◆ **Encourage Law Enforcement to Enforce Existing Laws**

How can community leaders be involved?

- ◆ **Conduct Alcohol Purchase Surveys**
- ◆ **Support UAD Enforcement Efforts to include Compliance Check Investigations**

Key Step in Preparing for Compliance Investigations

- ◆ **Work with prosecutors, courts and regulatory agencies**

How can courts and regulatory agencies be involved?

- ◆ **Law enforcement and non-law enforcement groups need a thorough understanding of state law and/or local ordinances before beginning compliance checks.**

How can courts and regulatory agencies be involved?

- ◆ Alcohol beverage laws are often complex and hard to understand so it is critical that you have a strong understanding of any limitations imposed by statute, ordinance or by the administrative rules of the licensing authority as you plan your compliance checks.

How can courts and regulatory agencies be involved?

- ◆ **Judicial partners such as Das, prosecutors, judges, etc..., can provide legal perspectives for operations.**
- ◆ **Courts can provide conviction rates and penalties assessed for cases presented to the courts.**

How can courts and regulatory agencies be involved?

- ◆ **Regulatory agencies can provide information about requirements from their agencies that may impact operations and prevent or allow an administrative case to succeed.**
- ◆ **Regulatory agencies can provide data on compliance rates.**

Key Steps in Preparing for Compliance Investigations

- ◆ **Work with Industry/Retailers**

Share Your Data With Merchants

- ◆ If you conducted an alcohol purchase survey you have data on the success or failure of stores.
- ◆ You might consider approaching the merchants association or other business association with the data.

Share Your Data With Merchants

- ◆ Solicit input on how to improve the compliance rate before proceeding with actual compliance operations.
- ◆ Retailers may be anxious to improve their business practices once they know of the problem and understanding that further checks are coming

Working with Industry/Retailers

- ◆ Educate retailers about their responsibility and potential consequences of sales to minors.
- ◆ Provide printed materials such as calendars and information on recognizing false IDs.



Working with Industry/Retailers

- ◆ **Widely publicize that enforcement operations are about to occur.**
- ◆ **Consider providing rewards and recognition to retailers that comply.**

Key Steps in Preparing for Compliance Investigations

- ◆ **Selection of Volunteers**

Sources for Recruiting Underage Volunteers

- ◆ Community and faith groups
- ◆ Youth groups such as MADD and SADD
- ◆ Family members and friends of officers
- ◆ Department employees who are under 21

*Considerations Prior to
Implementation*

Sources for Recruiting Underage Volunteers

- ◆ Criminal justice programs in local colleges and high schools
- ◆ Advertisements in college and community newspapers
- ◆ Underage volunteers from tobacco compliance checks

Selecting Underage Volunteers

- ◆ It is strongly recommended that your underage volunteers not be working off any criminal charges or have any previous criminal history (know your states law on this point)

Age Verification/Age Assessment

- ◆ Use age testing to make sure that volunteers look underage
- ◆ Retailers may suggest that the volunteer looked older than 21 and that's why their employee didn't ask for identification.



Age Verification/ Age Assessment Methods

- ◆ One method is to take your potential volunteer to a heavily traveled area such as a mall and ask 10 random people how old they think your volunteer looks.
- ◆ If ten reasonable people think your volunteer looks 21 or older you should not use them.

Age Verification/Age Assessment Methods

- ◆ Another method is to have an independent panel made up of responsible citizens assess the appearance of the underage volunteers before they are used in compliance checks.

Benefits of an Age Assessment Group

- ◆ Your AAG can be made up of community leaders, educators and licensees.
- ◆ The group will observe potential volunteers and provide an opinion that they, as objectively reasonable people, believe the volunteer appears under the age of 21 and someone whose age should be checked before buying an age restricted product.

Benefits of an Age Assessment Group

- ◆ **The AAG panel can provide a written assessment for your records**
- ◆ **This type of proactive approach engages the community leaders and continues to demonstrate that your compliance check process is both reasonable and fair.**

Selecting Underage Volunteers

- ◆ **Select underage volunteers who match the community**
- ◆ **Select underage volunteers (each state may vary on age requirements)**
- ◆ **Select both male and female volunteers**

*Considerations Prior to
Implementation*

Selecting Underage Volunteers

- ◆ **Instruct volunteers not to dress in ways that make them appear older**
- ◆ **Use volunteers in areas where they are not known**

Key Steps in Preparing for Compliance Investigations

- ◆ **Train Volunteers**

Training Volunteers

- ◆ Provide specific instructions on how the volunteer is to act, what they are to say, what they are to purchase
- ◆ Instruct volunteers to answer questions truthfully and provide photo identification when asked

Training Volunteers

- ◆ Instruct volunteers to avoid situations that seem dangerous and not to buy if people in the outlet know them
- ◆ Instruct re: what should be purchased (if anything) along with the alcohol

Training Volunteers-Interactive Preparation

- ◆ For some volunteers this may be their first time doing something as bold as trying to buy alcohol

Training Volunteers

- ◆ To help them get over their fears or concerns it is a good idea to give your volunteers some interactive experience by “practice buying” in a safe non-licensed environment.
- ◆ This type of training can calm nervous volunteers and give them some confidence that they can perform this role effectively.

Key Steps in Preparing for Compliance Investigations

- ◆ **Documentation of Volunteers**

Documenting Volunteers

- ◆ Personal history form
- ◆ Photograph of volunteer
- ◆ Driving and criminal checks
- ◆ Injury waivers
- ◆ Parental permission form (if under 18)
- ◆ Agreement of Understanding
- ◆ Copy of Driver's License
- ◆ Age Verification Form
- ◆ Record of compliance checks conducted

Considerations Prior to Implementation

Key Steps in Preparing for Compliance Investigations

- ◆ **Compensation**
- ◆ **Insurance**
- ◆ **Availability for court or administrative hearings**

Key Steps in Preparing for Compliance Investigations

- ◆ **Selection of Locations**

Options for Selecting Locations for Compliance Investigations

- ◆ Investigate all retail outlets in the community
- ◆ Select locations at random
- ◆ Investigate all retailers in particular geographic areas (e.g., near a college campus)

*Considerations Prior to
Implementation*

Options for Selecting Locations for Compliance Investigations

- ◆ **Select certain kinds of outlets (e.g., convenience stores)**
- ◆ **Select locations based on complaints or previous violations**

Don't forget – Festivals/Outdoor Events



Key Steps in Preparing for Compliance Investigations

- ◆ **Procedures/Protocols for conducting investigations**

Procedures/Protocols for conducting investigations

- ◆ Your underage buyer should be photographed prior to the start of each set of compliance checks
- ◆ Audio/Video recording

*Considerations Prior to
Implementation*

Procedures/Protocols for Conducting Investigations

- ◆ Record serial numbers of buy money
- ◆ Your Underage buyer should only carry their valid drivers license and pre-recorded buy money

Procedures/Protocols for Conducting Investigations

- ◆ **Timing and scheduling of investigations**
- ◆ **Number of volunteers and officers**
- ◆ **Alcoholic beverage to purchase and quantity purchased**

Do you need to buy a Keg?



But you may wish to consider other products
Which Contain Alcohol?





Procedures/Protocols for conducting investigations

- ◆ Other items to purchase
- ◆ Timing for issuing citations
- ◆ Frequency of investigations

Procedures/Protocols for Conducting Investigations

- ◆ **Park vehicles so as not to tip off the clerk**
- ◆ **Where possible, a plain clothes officer should be present in the store with the volunteer.**

Procedures/Protocols for Conducting Investigations

- ◆ **Have a plan in place to deal with vendor demands to see the volunteer or if clerk seizes underage buyers identification**
- ◆ **If a purchase is made, the underage buyer should complete a written statement detailing the purchase**

Key Steps in Preparing for Compliance Investigations

◆ Data Collection

Data Collection

- ◆ Carry out a post investigation interview, where appropriate
- ◆ Keep complete and accurate records
- ◆ Review your data to see if trends emerge

Useful Elements to Include in an Investigation Record

- ◆ Store name
- ◆ Address
- ◆ Date and time
- ◆ Results of the attempt
- ◆ Type of outlet
- ◆ Employee training
- ◆ Store signage
- ◆ Number of clerks present
- ◆ Age, gender, and race of buyer

Useful Elements to Include in an Investigation Record

- ◆ Age, gender, and race of seller
- ◆ Item purchased
- ◆ Was ID requested?
- ◆ Was ID checked?
- ◆ Was a calendar or ID checking machine present and used?
- ◆ Copy of photo of volunteer as s/he appeared that night

Emerging Trends-Underage People Use Today's Technology

- ◆ As the courts become more active in the issues of who can sell alcohol in your state, underage are turning to the internet as a fairly easy way to purchase their alcohol.
- ◆ Compliance check operations should consider the law in their state and understand the evidentiary and prosecutorial requirements for a sale of alcohol to a minor based on an internet purchase.



SOURCE: Wine and Spirits Wholesalers of America, Inc

Millions of Underage Teens Illegally Buy Alcohol from The Internet

- Online wineries almost never check the buyers' ID and children and teenagers have the freedom of purchasing as many alcoholic drinks as they like, whenever they like

By: Alexandra Lupu, Health News Editor WASHINGTON, Aug. 10 /PRNewswire/

According to an online survey conducted by Teen Research Unlimited for the Wine & Spirits Wholesalers of America, Inc. members, millions of teens have bought or know other minors who purchased alcohol via Internet. More specifically, more than half a million teenagers admitted to have purchased alcohol from online alcohol shops and more than 3 million minors said they have

a friend who has obtained alcohol in the same way.

Stan Hastings, Chairman of the Wine & Spirits Wholesalers of America stated in this respect: "This is a dangerous situation. For the first time, we have hard evidence that millions of kids are buying alcohol online and that the Internet is fast becoming a high-tech, low-risk way for kids to get beer, wine and liquor delivered to their home with no ID check."

Where Can You Buy Lawfully?

Direct Shipment Laws by State for Wineries
(As of January 2007)

Contact: Wine Institute
www.wineinstitute.org
(415) 512-0151



**Blue – Limited
Direct Ship and
Permit States**

**Maroon – Direct
Shipments not
Permissible**

**Gold – Reciprocity
States**

Key Steps in Preparing for Investigations

- ◆ **Work with the media**

Key Points for Working with the Media

- ◆ **Develop a positive and proactive relationship with the media**
- ◆ **Notify the media in advance**
- ◆ **Invite media representatives to observe investigations**
- ◆ **Provide key information to the media after investigations are concluded**

Information for the Media on Compliance Investigations

- ◆ **What percentage of retailers sold alcohol to the volunteers?**
- ◆ **What percentage of retailers asked for ID but sold anyway?**
- ◆ **What percentage of retailers had warning signs posted or signs that stated they asked for ID? What percentage of those with posted signs sold?**

Information for the Media on Compliance Investigations

- ◆ Are some types of businesses more likely to sell than others (e.g., convenience stores, gas stations, grocery stores)? What percentage of each sold?
- ◆ Are young clerks more likely to sell than older clerks?
- ◆ Are two-clerk stores less likely to sell?
- ◆ Do male clerks or female clerks sell more often?

Enforcement Follow-Through:

- ◆ Penalties on clerks
- ◆ Penalties on license holders
- ◆ Allow Media to ride along
- ◆ Work with judicial partners
- ◆ Work with community leaders to create environmental change (including youth)

Community Follow-Through:

- ◆ **Publicize results (Media Plan)**
- ◆ **Educate retailers**
- ◆ **Educate the general public**
- ◆ **Review policies and advocate change as needed**

Community Follow-Through:

- ◆ **Involve youth with environmental activities that they can participate in (Ex: Research laws pertaining to signage in store windows and helping merchants comply; letter from the Mayor or DA requesting that merchants check ID every time with letter delivered by youth)**
- ◆ **Work closely with enforcement agencies**



Available for
downloading at
www.udetc.org



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